

# HCBS Rule & Settings Requirements

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# What is your favorite thing about being home?

- Privacy
- Can do what I want
- Lounge around doing nothing
- I like being surrounded by my stuff
- No one judges me for my dinner choices



# What's the Point



Everyone  
deserves a  
place to call  
home  
regardless of  
who is paying  
for them to be  
there.

# What is the HCBS Rule?

- CMS promulgated the HCBS rule on January 16, 2014 with an effective date of March 17, 2014.
  - Established new standards for what settings should look like for waiver participants
  - Standards apply to all settings – day and residential
    - Residential settings have extra requirements
  - All states must be in compliance with the HCBS rule by **March 17, 2019**
  - Must write a Statewide Transition Plan to detail how we will come into compliance
    - [www.scdhhs.gov/hcbs](http://www.scdhhs.gov/hcbs)

***Independent•Integrated•Individual***

# What is required for all settings?

- The setting is integrated in and supports full access to the greater community
  - Includes opportunities to seek employment and work in competitive integrated settings
  - Engage in community life
  - Control personal resources
  - Receive services in the community
- The setting is selected by the individual from options which include non-disability specific settings

# What is required for all settings? *(cont'd)*

- Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
- Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices
- Facilitates individual choice regarding services and supports, and who provides them

# What is required for residential settings?

- Individuals must have a lease
- Individual has privacy in their sleeping/living unit
  - Lockable by the individual
  - Choice of roommate
  - Freedom to furnish or decorate
- Individuals must have a key to their home and room
  - Only appropriate staff have the same key (not **all**)
- Individuals must have access to food at all times
- Individuals must be able to have visitors at any time
- The setting is physically accessible to the individual
- Individuals have the freedom and support to control own schedules and activities

# Why are CRCF's included?

- CMS specified: If a waiver participant lives there, residential requirements apply.
  - Doesn't matter if the CRCF is providing waiver services or not
- Why?
  - Waiver dollars are to keep people **out** of institutions
  - CMS is not paying for someone to have **home** and **community-based** services if they live in a place that would be considered institutional



# Comments or Questions?

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